

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS ALLEN GORDON,

Plaintiff,

v.

D. VAN OGLE *et al.*,

Defendants.

Case No. C03-5223RBL-JKA

ORDER

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion to allow a final round of discovery (Dkt. # 126).

Judge Strombom entered the original scheduling order in this case allowing 90 days for discovery and setting a discovery cut off date of May 28, 2004 (Dkt # 55). The parties agreed to a two month extension of that date (Dkt # 56). Plaintiff then filed a motion to compel discovery a month after discovery had ended (Dkt # 66). When the motion was denied, (Dkt. # 75), plaintiff filed a motion to stay consideration of his motion to compel (Dkt. # 76). That motion was also denied (Dkt # 80).

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1 While the case was before the District Court Judge on a Report and Recommendation to
2 dismiss the action Plaintiff filed a motion to “re-compel.” (Dkt # 101). That motion was not ruled
3 on and the case was dismissed. The Ninth Circuit vacated and remanded the case as there was a
4 change in the law. On reassignment the case was assigned to the undersigned.

5 This court entered a scheduling order that did not allow for discovery as there had been
6 ample time for discovery in the case (Dkt # 122). Plaintiff sought a brief reopening of the discovery
7 in this case and the court granted a 60 day window of time to conduct discovery (Dkt # 124 and
8 125). Plaintiff stated he wished to conduct discovery in a very limited area regarding money orders
9 (Dkt. # 124).

10 The exhibits on file show an extensive amount of discovery and responses during the 60 day
11 window. The discovery requested is far beyond what the court envisioned or plaintiff indicated he
12 intended (Dkt. # 127, declaration of plaintiff with exhibits showing discovery requests). Plaintiff
13 now asks that he be allowed to re-submit a set of discovery he sent to counsel July of 2007 (Dkt. #
14 126). Counsel timely objected to this set of discovery as it was not addressed to a defendant. When
15 plaintiff re-sent the discovery the defendants did not have thirty days to responded and objected to
16 the re-submission of this set of discovery.

17 The motion is **DENIED**. Discovery in this action is closed.

18 The Clerk is directed to send copies of this Order to plaintiff and counsel for defendants. The
19 clerk is also asked to remove plaintiff’s motion, (Dkt. # 126), from the court’s calendar.

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21 DATED this 1 day of November, 2007

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23 /S/ J. Kelley Arnold
24 J. Kelley Arnold
25 United States Magistrate Judge
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